

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

LEROY SHAW,

Plaintiff

v.

ARTHUR R. THOMAS, ET AL.,

Defendants

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CIVIL NO. 4:CV-04-1217

(Judge McClure)

ORDER

April 25, 2006

Background

Leroy Shaw (“Plaintiff”), an inmate presently confined at the Cambria County Prison, Ebensburg, Pennsylvania, filed this pro se civil rights action. Service of the complaint was previously ordered. Named as Defendants are the following officials of the Pennsylvania Board of Probation and Parole (“Parole Board”): ex-Chairman William F. Ward; Secretary Kathleen Zwierzyna; ex-Chief Counsel Robert Campolongo, Esq.; Assistant Counsels Tara L. Patterson, Esq. and Arthur Thomas, Esq.

By Memorandum and Order dated August 22, 2005, the Defendants' motion to dismiss the complaint was granted in part. The following claims remain: (1) Defendants subjected Plaintiff to a retaliatory, excessive incarceration between December 13, 2002 to December 31, 2002; and (2) Defendants Ward, Thomas and Zwierzyna subjected Plaintiff to excessive incarceration through their miscalculation of his credit for time served. On October 11, 2005, Plaintiff filed a motion seeking entry of summary judgment. See Record document no. 20. Presently pending is the Defendants' motion to strike Shaw's summary judgment motion.

Discussion

A review of the docket establishes that Plaintiff has not filed a brief in support of his summary judgment motion. M.D. Pa. Local Rule 7.5. requires that a party who files a pretrial motion must submit a brief in support of said motion within ten (10) days of its being filed with the court. If a supporting brief is not timely filed, "such motion shall be deemed to be withdrawn."

Since Shaw has neither filed a brief supporting his summary judgment motion nor sought a motion requesting additional time to do so, Defendants' motion to strike will be granted. Plaintiff's motion for summary judgment will be

deemed withdrawn under Local Rule 7.5. Consequently,

IT IS HEREBY ORDERED THAT:

1. Defendants' motion to strike (Record document no. 21) is granted.
2. Plaintiff's motion for summary judgment (Record document no. 20) is deemed withdrawn for failure to submit a supporting brief as required by M.D. Pa. Local Rule 7.5.

s/ James F. McClure, Jr.
JAMES F. McCLURE JR.
United States District Judge